

FILED
U.S. DISTRICT COURT

2005 AUG 25 P 3: 25

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
DISTRICT OF UTAH

CENTRAL DIVISION

BY: _____
DEPUTY CLERK

SCOTT STEVEN BEAL,

:

Plaintiff,

:

ORDER

vs.

:

JO ANNE B. BARNHART, Commissioner
of Social Security,

:

Case No. 2:05 CV 426 TC

:

Defendant.


All pretrial matters in the above case were referred to Magistrate Judge Brooke C. Wells pursuant to 28 U.S.C. § 636(b)(1)(B). Before the court are Defendants' Motion to Quash Attempted Service of Process (Dkt. #4), and Plaintiff's Motion for Rule 55 Default Judgment (Dkt. #6).

Judge Wells issued her Report and Recommendation on July 15, 2005, finding as follows: Defendants properly challenged the sufficiency of service of process; Plaintiff failed to meet his burden of establishing service of process; Plaintiff failed to file any opposition to Defendants' Motion to Quash Attempted Service of Process in the required time frame. Accordingly, Judge Wells DENIED Plaintiff's Motion for Rule 55 Default Judgment and recommended that Defendants' Motion To Quash Attempted Service of Process be GRANTED and the case DISMISSED.

The parties were given ten days from the date of the issuance of the R&R to file objections; neither party has filed objections.

The court has conducted a *de novo* review of Judge Wells' recommendation and agrees therewith. Accordingly, the Report and Recommendation is adopted as the order of this court. Plaintiff's Motion for Rule 55 Default Judgment is DENIED. Defendants' Motion to Quash Attempted Service of Process is GRANTED and this case is DISMISSED.

DATED this 17 day of August, 2005.


TENA CAMPBELL
United States District Judge